

Appropriation: Range Improvements

APPROPRIATION LANGUAGE SHEET

[For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses] (*Department of the Interior and Related Agencies Appropriations Act, 2006.*).

Appropriation Language Citations

[For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the *Federal Land Policy and Management Act of 1976* (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: Provided, that not to exceed \$600,000 shall be available for administrative expenses.]

43 U.S.C. 1751
43 U.S.C. 1901
7 U.S.C. 1010
E.O. 10046; 10175; 10234; 10322; 10787; 10890
30 U.S.C. 355
7 U.S.C. 2814
P.L. 106-291

Proposed Deletion: The budget proposes to eliminate the Range Improvements Fund in 2007. The budget assumes that new grazing regulations will provide an incentive for permittees/lessees to invest in range improvements, thereby reducing the need for appropriated funds for this program.

Section 401 of FLPMA (43 U.S.C. 1751), as amended by the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901-1905), provides that 50 percent of all moneys received by the U.S. as fees for grazing domestic livestock on public land under the *Taylor Grazing Act* (43 U.S.C. 315) and the *Act of August 28, 1937* (43 U.S.C. 1181d) shall be credited to a separate account in the Treasury and made available for the purpose of on-the-ground range rehabilitation, protection, and improvements, including, but not limited to, seeding and reseeding, fence construction, weed control, water development, and fish and wildlife habitat enhancement.

7 U.S.C. 1010 (the Bankhead Jones Farm Tenant Act of 1937), provides that the Secretary of Agriculture is authorized and directed to develop a program of land conservation and utilization in order to correct maladjustments in land use, and thus assist in controlling soil erosion, conducting reforestation, preserving natural resources, protecting fish and wildlife, developing and protecting recreational facilities, mitigating floods, preventing impairment of dams and reservoirs, conserving surface and subsurface moisture, protecting the watersheds of navigable streams, and protecting the public land, health, safety, and welfare; but not to build industrial parks or establish private industrial or commercial enterprises.

Executive Orders 10046, et al., provide that land under the jurisdiction of the Secretary of Agriculture under the provision of §32 of the *Bankhead Jones Farm Tenant Act* is transferred from the Department of Agriculture to the Department of the Interior for use, administration, or exchange under the applicable provisions of the Taylor Grazing Act.

30 U.S.C. 355, provides that all mineral leasing receipts derived from leases issued under the authority of the *Mineral Leasing Act for Acquired Lands of 1947* shall be paid into the same

funds or accounts in the Treasury and shall be distributed in the same manner as prescribed for other receipts from the lands affected by the lease. The intention is that this act shall not affect the distribution of receipts pursuant to legislation applicable to such lands.

Federal Noxious Weed Act of 1974, as amended (7 U.S.C. 2814), provides for the designation of a lead office and person trained in the management of undesirable plants; establishes and funds an undesirable plant management program; completes and implements cooperative agreements with State agencies; and establishes integrated management systems to control undesirable plant species.

The Annual Department of the Interior and Related Agencies Appropriations Acts, provide that a minimum amount is appropriated, that the appropriation shall remain available until expended, and that a maximum of \$600,000 is available from this appropriation for BLM administrative expenses.

Under the provisions of the ***Balanced Budget and Emergency Deficit Control Act of 1985 and the Budget Enforcement Act of 1990***, this account is classified as a current, mandatory account.

P.L. 107-63 Department of the Interior and Related Agencies Appropriation Act of 2002.

AUTHORIZATIONS

The Federal Land Policy and Management Act of 1976, as amended, (43 U.S.C. 1751)

Provides that 50 percent of grazing fees are authorized to be appropriated for range betterment. Half the appropriated amount is to be spent within the same BLM district which generated the grazing receipts; the remaining half may be utilized as the Secretary directs.

The Mineral Leasing Act for Acquired Lands of 1947 (30 U.S.C. 355)

Provides that "all receipts derived from leases issued under the authority of this chapter shall be paid into the same funds or accounts in the Treasury and shall be distributed in the same manner as prescribed for other receipts from the lands affected by the lease, the intent of this provision being that this chapter shall not affect the distribution of receipts pursuant to legislation applicable to such lands . . ."

The Taylor Grazing Act of 1934, as amended, (43 U.S.C. 315)

Provides for active management of public rangelands including regulation of livestock grazing and improvement of the productive capability of the public range.

The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901-1905)

Provides for improving the condition of the public rangelands and provides authorization for an appropriation of \$10,000,000 per annum or 50 per centum of all moneys received as fees for grazing, whichever is greater, notwithstanding the level of grazing fees collected.

The Farm Tenant Act of 1937 (Bankhead Jones Act) (7 U.S.C. 1010, 1012-1013A)

Provides for management of acquired farm tenant lands and construction and maintenance of range improvements.

**Federal Noxious
Weed Act of 1974, as
amended (7 U.S.C.
2814)**

Provides for the designation of a lead office and person trained in the management of undesirable plants; establish and fund an undesirable plant management program; complete and implement cooperative agreements with State agencies; and establish integrated management systems to control undesirable plant species; provides for the designation of a lead office and person trained in the management of undesirable plants; establish and fund an undesirable plant management program; complete and implement cooperative agreements with State agencies; and establish integrated management systems to control undesirable plant species.

**Executive Order No.
12548**

Provides for establishment of appropriate fees for the grazing of domestic livestock on public rangelands. It also provides that the fee shall not be less than \$1.35 per animal unit month.

Summary of Requirements (\$000)

Comparison by Activity/ Subactivity	2005 Actual		2006 Enacted		Fixed Costs & Related Changes (+/-)		Program Changes (+/-)		2007 Budget Request		Inc(+) Dec(-) from 2006	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Range Improvements	60	10,000	60	10,000	0	0	-32	-10,000	28	0	-32	-10,000
Public Lands Improvement*	49	7,873	49	7,873	+0	+0	-25	-7,873	24	0	-25	-7,873
Farm Tenant Act Lands Improvement*	11	1,527	11	1,527	+0	+0	-7	-1,527	4	0	-7	-1,527
Administrative Expenses	0	600	0	600	+0	+0	+0	-600	0	0	0	-600

Activity: Range Improvements

Activity Summary (\$000)

Subactivity	2005 Actual Amount	2006 Enacted Amount	Fixed Costs & Related Changes (+/-) Amount	Program Changes (+/-) Amount	2007 Budget Request Amount	Inc(+) Dec(-) from 2006 Amount
Public Lands Improvement*	\$ 7,873	7,873	0	-7,873	0	-7,873
	FTE 49	49	0	-25	24	-25
Farm Tenant Act Lands Improvement*	\$ 1,527	1,527	0	-1,527	0	-1,527
	FTE 11	11	0	-7	4	-7
General Administrative Expenses (GAE)	\$ 600	600	0	-600	0	-600
	FTE 0	0	0	0	0	0
Total Dollars	\$ 10,000	10,000	0	-10,000	0	-10,000
	FTE 60	60	0	-32	28	-32

* Carryover funding from 2006 supports proposed FTE usage in 2007.

Summary of 2007 Program Changes for Activity Range Improvements

Request Component	Amount	FTE
Program Changes		
• Elimination of Program (Public Lands)	-7,873	-25
• Elimination of Program (Farm Tenant Act Lands)	-1,527	-7
• Elimination of Program (GAE)	-600	0
TOTAL, Program Changes	-10,000	-32

JUSTIFICATION OF 2007 PROGRAM CHANGES

The FY 2007 budget request for Range Improvements subactivities is \$0 and 28 FTE, a net program decrease of \$10,000,000 and 32 FTE from the 2006 enacted level. The 28 FTE in FY 2007 will be funded from FY 2006 carryover balances.

The elimination of the Range Improvements program will move more responsibility for construction and maintenance of public land projects to the public land users and public land advocacy groups/State agencies as well as other MLR programs. With new regulations the BLM will issue in 2006, permittees will be sharing title to structural range improvements and will therefore be encouraged to take on more of the cost.

PROGRAM OVERVIEW

The Range Improvements activity supports the Resource Use and Resource Protection mission goals from the Department's Draft Strategic Plan by managing or influencing forage resources to enhance public benefit, promote responsible use, and ensure optimal value. Range Improvements include on-the-ground improvements such as vegetation projects, fencing, and wildlife-livestock water developments that have been recommended in activity plans. Projects are initiated within priority watersheds, riparian areas, and integrated weed management programs.

The budget proposes to eliminate the Rangeland Improvements Fund in 2007. The Administration will submit legislation to amend the Federal Land Policy Management Act to direct that the 50 percent of grazing fee receipts currently deposited in the Range Improvement fund (i.e., the Federal share of such receipts), be deposited in the General fund of Treasury for deficit reduction.

The BLM will be issuing new regulations that provide the opportunity for BLM and a grazing permittee or lessee (or other cooperating party) to share title to future range improvements – permanent structures such as fences, wells, or pipelines – if they are constructed under what is known as a Cooperative Range Improvement Agreement. Shared title was allowed prior to 1995.

2007 PROGRAM PERFORMANCE ESTIMATES

Expected carryover of funds from the Range Improvement Fund in 2006 to 2007 is between \$3 and \$4 million. Anticipated carryover of 2006 funds is expected to cover 12 FTE in 2007 during the completion of several projects initiated in 2006. This will carry the traditional Range Improvements program through 2007 and essentially sunset the program.

2006 PROGRAM PERFORMANCE ESTIMATES

The \$10 million appropriation in the Range Improvement account will be used conduct vegetation treatments on grazing lands, install water developments, treat noxious weeds, and install rangeland and riparian management facilities such as fences. This activity includes all facets of managing range improvements on public lands, including project planning, engineering and design, construction, and project inspection. Many of these projects are constructed by permittees, lessees, or cooperators or through private contracts.

In 2006, Congress mandated the use of \$4 million in Deferred Maintenance and \$3 million in Challenge Cost Share funds to augment the \$10 million appropriation in the range Improvements account.

The Deferred Maintenance funds designated for range improvement projects will be used in conjunction with other appropriations to accomplish several large range improvement projects that might not have been funded using just the Range Improvement appropriation. These include the installation and upgrade of numerous cattleguards (as part of road maintenance

projects) in Colorado, Nevada, Oregon, and Utah. Other large projects include reservoir and water project development, repair, and rehabilitation in California, Montana, and Oregon. Deferred Maintenance funds will also be used to reroute roads from areas where they are having a negative impact on rangeland resources such as riparian areas, streams, and creeks in Idaho, New Mexico, and Wyoming. Many of these projects were in the 5-year Deferred Maintenance Plan.

The Challenge Cost Share (CCS) funds are being used primarily to address issues in sagebrush rangelands across all sagebrush States. Invasive weed species are a priority issue on BLM managed rangelands. In general, the CCS funds designated for range improvement projects are used across all public land States to more effectively address weed infestations.

In 2006, BLM expects to release the new revision of the H-4120 Manual/Handbook entitled "Grazing Management." In this Manual/Handbook, Chapter 2 is devoted to the Range Improvements program outlining the most current policies and guidance.

2005 PROGRAM PERFORMANCE ACCOMPLISHMENTS

In 2005, the BLM again placed funding emphasis on high quality projects and the elimination of backlog. Projects funded by the Range Improvements subactivity include:

- Treating 53,064 acres of Grassland/Shrubland/Woodland Vegetation
- Constructing 217 Grassland/Shrubland/Woodland Projects
- Maintaining 603 existing projects
- Treating 11,942 acres of Invasive Species or noxious weeds
- Constructing 56 Riparian/Wetland/Stream Projects
- Maintaining 299 existing Riparian or Wetland projects

RANGELAND IMPROVEMENTS PERFORMANCE Overview							
Measure	2005 Plan	2005 Actual	Change from 2005 Plan	2006 Enacted	2006 Change from 2005	2007 Request	2007 Change from 2006
Rangeland Improvements - Percent of acres with DOI range improvements resulting in sustainable grazing (SP: UEM.3.001)	9.0%	6.3% 10,137,350 / 160,000,000	-2.7%	7.0%	+0.7%	7.0%	0%
Rangeland Condition - Percent of permitted acres maintained at appropriate land conditions and water and air standards (SP: UEM.3.002)	56%	58%	+2%	58%	0%	59%	+1%
Invasive Species - Percent change from baseline in the number of acres infested with invasive plant species (SP: PEM.2.004)	0.90%	0.90%	0%	0.90%	0%	0.90%	0%
COST: Apply Weed Treatments (Cost Per Acre)	\$42	\$47	+\$5	\$48	+\$1	\$50	+\$2
Apply Shrub/Grassland Vegetation Treatments (acres).	14,302	23,020	+8,718	30,800	+7,780	6,728	-24,072
Construct Shrub, Grassland, Woodland, Forest Projects (number).	527	777	+250	576	-201	225	-351
Maintain Shrub, Grassland, Woodland, Forest Projects (number).	1,312	896	-412	462	-434	260	-202
Apply Weed Treatments (acres).	10,084	11,942	+1,858	11,851	-91	3,463	-8,388
Construct Lake/Wetland/Stream/Riparian Projects (number).	31	56	+25	40	-16	0	-40
Maintain Lake/Wetland/Stream/Riparian Projects (number).	252	299	+47	100	-199	0	-100

Range Improvements budget schedules – Proposal to delete in 2007

Budget Schedules*UNAVAILABLE RECEIPTS (MILLION \$)**

Identification code: 14-513200-4-R-200403		2005 Act	2006 CY	2007 BY
	Range improvements			
	Program and Financing (P)			
	Obligations by program activity			
0001	Improvements to Public Lands	0	0	-5
0002	Farm Tenement Act Lands	0	0	-1
1000	Total new obligations	0	0	-6
	Budgetary resources available for obligation			
2200	New budget authority (gross)	0	0	-10
2395	Total new obligations	0	0	6
	Unobligated balance carried forward, end of year			
2440		0	0	-4
	New budget authority (gross), detail			
	Mandatory			
6000	Appropriation (General Fund)	0	0	-9
6020	Appropriation (special fund)	0	0	-1
6250	Appropriation (total mandatory)	0	0	-10
	Change in obligated balances			
7310	Total new obligations	0	0	-6
7320	Total outlays (gross)	0	0	7
7440	Obligated balance, end of year	0	0	1
	Outlays (gross), detail			
8697	Outlays from new mandatory authority	0	0	-7
	Net budget authority and outlays			
8900	Budget authority	0	0	-10
9000	Outlays	0	0	-7
9502	Unpaid obligation, end of year	0	0	1

OBJECT CLASSIFICATION (O) (MILLION \$)

Identification code: 14-513200-4-R-200403		2005 Act	2006 CY	2007 BY
	Object Classification (O)			
	Direct obligations			
	Personnel compensation			
1111	Full-time permanent	0	0	-3
1252	Other services	0	0	-2
1260	Supplies and materials	0	0	-1
9999	Total new obligations	0	0	-6

BA, LIMITATIONS, AND OUTLAYS - POLICY (A) (MILLION \$)

Identification code: 14-513200-4-R-200403		2005 Act	2006 CY	2007 BY
	BA, Limitations, and Outlays - Policy (A)			
	Appropriation (total) [Special Fund, Indefinite]			
6250	Mandatory, appropriations committee, regular	0	0	-10

9111	Outlays from new authority [Text] Mandatory, appropriations committee, regular	0	0	-7
9121	Outlays from balances [Text] Mandatory, appropriations committee, regular	0	0	0
9122	Memo: Outlays frm end of PY balances [Text] Mandatory, appropriations committee, regular	0	0	0

PERSONNEL SUMMARY (Q)

Identification code: 14-513200-4-R-200403		2005 Act	2006 CY	2007 BY
1001	Personnel Summary (Q) Direct Civilian full-time equivalent employment	0	0	-32